

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ANTONIA PHILLIPS,

Plaintiff,

-against-

THE CITY OF NEW YORK, ET AL.,

Defendants.

-----X  
**VICTOR MARRERO, U.S.D.J.:**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1/6/2022

**ORDER**

03-cv-4887

By email dated December 31, 2021, Sinead Fitzsimons of Orange Bank & Trust Company (the "Trustee") requested that the Court schedule a teleconference with Trustee, Harry Rimm, as guardian ad litem for plaintiff Henesy Feliz a/k/a Antonia Phillips, and Griselda Feliz, plaintiff's mother, to discuss the Trustee's proposal for the future administration of the Henesy Feliz Supplemental Needs Trust (the "Supplemental Trust"), which Trustee submitted by email dated December 16, 2021. Having reviewed and considered the Trustee's submissions and request, the Court finds a teleconference unnecessary, and instead orders the following conditions to govern the future administration of the Supplemental Trust:

1. Griselda Feliz's monthly stipend amount shall be increased from \$1,200 to \$2,000. Griselda Feliz shall promptly send to the Trustee all utility bills she receives. The Trustee may arrange for utility bills in Griselda Feliz's name to be sent "in care of" the Trustee directly to the Trustee at an address the

Trustee designates for reliable delivery and processing of payment. The Trustee shall withhold, deposit into an escrow account, and pay directly when due all bills for utilities, including electric and gas services, cable television and municipal assessments. As to existing unpaid water and cable television bills, including the arrear of the water bill for the Feliz home in Yonkers, New York, the Trustee shall make one-time payments from Griselda Feliz's stipend funds to bring these accounts current. As to all other existing utilities bills, Griselda Feliz shall arrange for a payment plan to satisfy outstanding invoices over a period not to exceed two years. The Trustee shall withhold, deposit into an escrow account, and pay directly when due such arrears payments.

2. The amount that the Trustee may pay directly to reimburse Griselda Feliz for ordinary and necessary expenditures without prior Court approval shall increase from \$250 to \$1,000. On an annual basis, by June 30 of each year, the Trustee shall submit to the Court for review and approval an accounting of all expenditures of Trust funds made by the Trustee directly to third-party vendors or to Griselda Feliz, together with copies of receipts or other written

documentation of such expenditures. The annual accounting described herein is separate from and in addition to the annual report the Trustee currently prepares and submits pursuant to the Supplemental Trust Agreement.


3. The Trustee is authorized to retain the services of a firm to develop a plan for the care of Henesy Feliz in the event of any total incapacitation of Griselda Feliz. When the plan for care is obtained, and prior to execution of such plan, the Trustee shall submit the plan to the Court for review and approval.
4. The existing guardian ad litem arrangement for Henesy Feliz shall terminate as of December 31, 2022 and the duties and functions of the guardian ad litem shall be assumed by Griselda Feliz. If at any time there is sufficient evidence that Giselda Feliz is incapable of discharging the duties and functions of the position, and thus her performance may not reflect the best interests of Henesy Feliz, the Court may reconsider the designation of Griselda Feliz as guardian ad litem.
5. The Trustee and Griselda Feliz are authorized to proceed with the work necessary to repair water seepage and mold accumulation in the basement of the Feliz home in Yonkers, New York. The Trustee shall

examine possible contractor liability, insurance reimbursement, and the final home purchase inspection report in connection with the water seepage and mold in the basement of the Feliz home.

6. The request to transfer jurisdiction over the Supplemental Trust to a Westchester court and appoint a court examiner to oversee the Supplemental Trust's supervision is hereby DENIED.

**SO ORDERED.**

Dated: New York, New York  
06 January 2022



---

Victor Marrero  
U.S.D.J.